

REMARKS

Claims 1, 4, 5, 7, 9 and 13 are pending in this application. By this Amendment, claims 1 and 5 are amended, and claims 3, 8, 11 and 14 are canceled. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added. Reconsideration of the application based upon the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance, for the reasons discussed therein; (b) do not raise any new issue requiring further search and/or consideration, as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary; and (d) do not present any additional claims without canceling a corresponding number of finally rejected claims. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

I. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1, 3-5, 7-9, 11, 13 and 14 under 35 U.S.C. §103(a) over JP 2003-128900 to Takagi ("Takagi") in view of JP 2003-192884 to Nakazawa et al. ("Nakazawa") and JP 55-131047 to Omura et al. ("Omura"). By this Amendment, claims 3, 8, 11 and 14 are canceled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

The Office Action acknowledges that neither Takagi nor Nakazawa disclose a polylactic acid resin composition comprising "an aromatic urea compound represented by formula (1)," as recited in claim 1. See Office Action, page 4. The Office Action alleges that the applied references are analogous art and asserts that the combined teachings of the applied references would render the claimed composition obvious. Specifically, the Office Action

asserts that it would have been obvious to incorporate the mold release agent lubricant taught by Omura in Takagi and Nakazawa's composition in order to improve the mold release and flow properties of aromatic polyesters. See *Id.* Applicants respectfully disagree.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art. See MPEP §2143.01(III) citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007). "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. 398, 418 (2007) quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Applicants respectfully submit that the Office Action fails to provide any sufficient reason or rationale to modify the teachings of the applied references, and achieve the claimed features with a reasonable expectation of success.

As described in the specification, use of the composition disclosed in Takagi and Nakazawa results in an insufficient ratio of stereocomplex crystals of poly-L-lactic acid and poly-D-lactic acid. See specification, page 2, line 7 to page 3, line 11, citing Takagi and Nakazawa. Specifically, the specification at page 2, line 7 to page 3, line 11 states that:

Use of the polymer composition described in JP Patent Publication (Kokai) No. 2003-128900 or JP Patent Publication (Kokai) No. 2003-192884, however, results in an insufficient ratio of stereocomplex crystals of poly-L-lactic acid and poly-D-lactic acid. Thus, improvement in heat resistance of the resulting stereocomplex and in the crystallization speed thereof was insufficient.

Thus, simple mixing of poly-L-lactic acid and poly-D-lactic acid would not produce a molded article with a high ratio of stereocomplex crystal.

Further, Omura does not disclose polylactic acid or compositions comprising polylactic acid. Omura merely discloses that the urea compound is added to a specific aromatic polyester polycarbonate in order to improve the mold release and flow properties of

the aromatic polyester polycarbonate. See Omura, claim 1. One of ordinary skill in the art would recognize that (1) a polylactic acid resin is not an aromatic polyester polycarbonate, and (2) a polylactic acid resin would not have the same properties as an aromatic polyester polycarbonate. Thus, the results obtained by adding crystalline compound of Omura with the polylactic acid resin composition of the applied references would not have been predictable, and the Office Action fails to provide any basis in fact and technical reasoning to support a determination that one of ordinary skill in the art would expect the crystalline compound of Omura to behave similarly when mixed with polylactic acid. For at least these reasons, the Office Action fails to establish a sufficient reason or rationale to mix the crystalline compound of Omura with the polylactic acid of the applied references.

Furthermore, Omura also fails to suggest adding a specific aromatic urea of formula (1) as a crystallization accelerator.

Thus, (1) the Office Action fails to provide any sufficient reason or rational to combine the references, (2) the results of the claimed combination of features would not have been predictable to one of ordinary skill in the art at the time of the invention, and (3) there would not have been a reasonable expectation of successfully achieving the claimed features.

The rejection is also improper because the proposed modification of Takagi improperly renders the reference unsatisfactory for its intended purpose. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is not suggestion or motivation to make the proposed modification. See MPEP §2143.01 (v). Takagi discloses that it is necessary that the total lactic acid content comprise at least 90% of either D-lactic acid or L-lactic acid, with the remaining lactic acid comprising no more than 10% of the total lactic acid content. See Takagi, paragraph [0011]. Specifically, Takagi discloses that "D and L configuration of polylactic acid resin needs to be L:D = 100:0-90:10, or L:D = 0:100-10:90. If the percent

content of the total lactic acid is outside this range, the desired thermal resistance is unobtainable." See *Id.* The Office Action's proposed modification of Takagi, which changes the L:D content to 30:70-70:30, is outside the Takagi's required range, and thus improperly renders Takagi unfit for its intended purpose. For at least this reason, the rejection is improper because the Office Action has failed to establish a proper *prima facie* case of obviousness.

Therefore, claims 1 and 5 and their dependent claims would not have been rendered obvious by the applied references. Reconsideration and withdrawal of the rejections are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: June 11, 2010

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